

**REMARKS:**

The Office Communication asserts that the Applicant and the Assignee of the subject Application are required under 37 C.F.R. § 1.105 to provide the following information that the Examiner has determined is reasonably necessary to the examination of the subject Application. (31 May 2006 Office Communication, Page 2). Specifically the Examiner requests answers to each of the following interrogatories:

1. Information is required to identify products and services embodying the disclosed subject matter of comparative pricing engines and identify the properties of similar products and services found in the prior art; and
2. The names of any currently or previously identified infringers of the subject matter of original or amended Claims 1 or 20 and the names of any products or services that have incorporated the invention of the original or amended claims 1 or 20.

(31 May 2006 Office Communication, Page 2). In addition, the Examiner asserts that "where the Applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item. (31 May 2006 Office Communication, Pages 2-3).

In response to items 1 and 2 as set forth above and as set forth in the Office Communication dated 31 May 2006, the Applicant respectfully submits that the Applicant has no further information on i2 products, that the Applicant has not been involved with i2 products since 2001, and that the Applicant has not followed up with further market developments. Therefore, the Applicant respectfully submits that the Applicant does not have or cannot readily obtain information to items 1 and 2 as set forth above and as set forth in the Office Communication dated 31 May 2006, and that information regarding these items is unknown or cannot be readily obtained by the Applicant.

In addition, the Assignee respectfully submits that in response to items 1 and 2 as set forth above and as set forth in the Office Communication dated 31 May 2006, the Assignee is not aware of any i2 product that is currently sold that has this capability

embedded in it. The Assignee further respectfully submits that the Assignee is not aware of price differential based pricing being done in the context of non-fungible products. Although price differential based pricing may be done in the context of fungible products like gasoline grades, the basis for setting differentials is different and usually market-driven and in contrast the subject Application is for non-fungible products. The Assignee still further respectfully submits that the Assignee cannot readily identify any infringers of the subject matter of original or amended Claims 1 or 20. Therefore, the Assignee respectfully submits that the Assignee does not have or cannot readily obtain information to items 1 and 2 as set forth above and as set forth in the Office Communication dated 31 May 2006, and that information regarding these items is unknown or cannot be readily obtained by the Assignee.

Because the Applicant and Assignee of the subject Application have made a reply with candor and good faith under 37 C.F.R. § 1.56, to the requirement as set forth in the Office Communication dated 31 May 2006, this response is complete. The Examiner is invited to contact the undersigned, Steven J. Laureanti at (817) 447-9955 with any questions, comments, or suggestions relating to this response or to the subject Application.

**CONCLUSION:**


In view of the foregoing remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

Although the Applicant believes no fees are deemed to be necessary; the undersigned hereby authorizes the Commissioner to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777**.

**Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.**

Respectfully submitted,

7/31/06  
Date

  
James E. Walton, Registration No. 47,245  
Steven J. Laureanti, Registration No. 50,274  
Daren C. Davis, Registration No. 38,425  
Michael Alford, Registration No. 48,707  
Law Offices of James E. Walton, P.L.L.C.  
1169 N. Burleson Blvd., Suite 107-328  
Burleson, Texas 76028  
(817) 447-9955 (voice)  
(817) 447-9954 (facsimile)  
steven@waltonpllc.com (e-mail)

**CUSTOMER NO. 53184**

**ATTORNEYS AND AGENTS FOR APPLICANT**